UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,119	04/01/2004	Kazuya Oyama	2936-0214PUS1	8016

2292   7590   12/10/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
LINDSEY, MATTHEW S

ART UNIT	PAPER NUMBER
4152	

NOTIFICATION DATE	DELIVERY MODE
12/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :01 April 2004, and 27 February 2006.

DETAILED ACTION

1.   Claims 1-39 are pending in this application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   **Claim 1, 5, 17-19, 21, 28, 32-33, and 36-38 are rejected under 35**

U.S.C. 102(e) as being anticipated by Dureau (Pub. No: US 2003/0135860 A1),

hereinafter Dureau.

4.   With respect to Claim 1, Dureau discloses: "A data transmission apparatus

(Figure 3, object 340 is capable of receiving and transmitting data) comprising: a data

generator that generates data transmitted to a data reception apparatus (Figure 1,

sources 13-15, 18-19, [0025], lines 3); a data analyzer that analyzes data received from

the data reception apparatus ([0033], lines 27-29); a transmitter/receiver that transmits

and receives data to and from the data reception apparatus ([0042], lines 3-4); and an

individual compatibility information storage in which is stored a first function

identification table ([0043], lines 10-13) with reference to which data communication

functions used to perform data communication with the data reception apparatus are

identified respectively for individual items of specific data with which the data reception

apparatus permits itself to be identified ([0043], lines 10-13), wherein, when the specific

data is fed through the data transmitter/receiver to the data analyzer ([0047], lines 3-4),

with reference to the first function identification table in the individual compatibility

information storage, the data communication functions recognized from the specific data

are identified and are brought into effect so that the data transmission apparatus is

brought into a state communicable with the data reception apparatus that has

transmitted the specific data thereto ([0047], lines 4-22)".

5.   With respect to Claim 5, Dureau discloses: "A data transmission apparatus

(Figure 3, object 340 is capable of receiving and transmitting data) comprising: a data

generator that generates data transmitted to a data reception apparatus (Figure 1,

sources 13-15, 18-19, [0025], lines 3-5); a data analyzer that analyzes data received

from the data reception apparatus ([0033], lines 27-29); a transmitter/receiver that

transmits and receives data to and from the data reception apparatus ([0042], lines 3-4);

and an individual compatibility information storage in which is stored a first function

identification table ([0043], lines 10-13) in which are recorded data communication

functions corresponding respectively to individual codes contained in function data with

which the reception apparatus permits data communication functions used for

communication therewith to be identified ([0044], lines 9-13), wherein, when the specific

data is fed through the data transmitter/receiver to the data analyzer ([0047], lines 3-4),

with reference to the first function identification table in the individual compatibility

information storage, the data communication functions recognized from the codes

contained in the function data are identified and are brought into effect so that the data

transmission apparatus is brought into a state communicable with the data reception

apparatus that has transmitted the specific data thereto ([0047], lines 4-22, in

conjunction with the IDs of [0044], lines 9-13)".

6.   With respect to Claim 17, Dureau discloses: "The data transmission apparatus

according to claim 1" but does not disclose: "wherein the data exchanged with the data

reception apparatus is copyrighted data ([0004], lines 8-9 "television programs" are

copyrighted data), and the data communication functions that are changed include a

copyright encrypting method used by the data generator ([0035], lines 1-4 and 8-10,

where for example the data is in the proprietary format of "Windows Media Player" (line

4), which includes support for optional encryption methods, these encryption methods

may be removed or converted when transcoding the data to a different format, as per

lines 8-10)".

7.   With respect to Claim 18, Dureau discloses: "The data transmission apparatus

according to claim 1, wherein the data exchanged with the data reception apparatus is

AV data ([0035], lines 1-2), and the data communication functions that are changed

include at least one of data formats used by the data generator as corresponding to a compression method, a resolution, a bit rate, and a frame rate of a video signal in the AV data ([0035], lines 8-10, and lines 13-15, it is well known in the art that data formats "MPEG 1, 2 or 4" [0035], line2, include audio and visual data encoded in different compression methods, resolutions, bit rates and frame rates)".

8.   With respect to Claim 19, Dureau discloses: "The data transmission apparatus according to claim 1, wherein the data exchanged with the data reception apparatus is AV data ([0035], lines 1-2), and the data communication functions that are changed include at least one of data formats used by the data generator as corresponding to a compression method and a bit rate of an audio signal in the AV data ([0035], lines 8-10, and lines 13-15, it is well known in the art that data formats "MPEG 1, 2 or 4" [0035], line2, include audio and visual data encoded in different compression methods and bit rates)".

9.   With respect to Claim 21, Dureau discloses: "The data transmission apparatus according to claim 1, wherein the data communication functions that are changed include a data format used by the data analyzer to analyze the data received from the data reception apparatus in the transmitter/receiver ([0035], lines 8-10)".

10.   With respect to Claim 28, Dureau discloses: "A data communication system (Abstract, lines 1-3) comprising: the data transmission apparatus according to claim 1

(see Claim 1 rejection above); and the data reception apparatus that performs data

communication with the data transmission apparatus ([0033], lines 9-13), wherein, when

the data transmission apparatus performs data communication with the data reception

apparatus, the data communication functions compatible with the data reception

apparatus are used ([0035], lines 10-13)".

11.   With respect to Claim 32, Dureau discloses: "A data transmission apparatus

(Figure 3, object 340 is capable of receiving and transmitting data) comprising: a data

generator (Figure 1, sources 13-15, 18-19, [0025], lines 3); a transmitter/receiver for

transmitting data and receiving data from a data reception apparatus ([0042], lines 3-4);

a data analyzer that analyzes data received from the data reception apparatus ([0033],

lines 27-29); and an individual compatibility information storage storing a first function

identification table ([0043], lines 10-13) including a first plurality of data communication

protocols ([0042], lines 5-15) and at least two identifiers associated with at least two of

the first plurality of data communication protocols ([0042], lines 5-15, the registration of

the device with the receiver is performed so the configuration details do not have to be

checked upon receiver start up, [0042], lines 17-19, inherently using something to

identify the configuration details); wherein, when a first identifier is received by the data

analyzer, and the first identifier is one of the at least two identifiers stored in the first

function identification table, the data transmission apparatus uses the protocol

associated with the first identifier to transmit data ([0042], lines 15-17)".

12.   With respect to Claim 33, Dureau discloses: "The data transmission apparatus

according to claim 32 wherein said at least two identifiers identify a first and a second

data reception apparatus ([0043], lines 10-13, figure 4, objects 320A-H)".

13.   With respect to Claim 36, Dureau discloses: "A data reception apparatus ([0033],

lines 9-12) comprising: a data generator ([0033], lines 9-15, the devices 352A-E include

a video camera 352B which generates data by recording audio/visual information); a

transmitter/receiver for transmitting data and receiving data from a data transmission

apparatus ([0034], lines 1-4); a data analyzer that analyzes data received from the data

transmission apparatus ([0033], lines 17-18); and a specific data storage ([0042], lines

17-19) in which is stored a code indicative of a data communication protocol used by

the data reception apparatus ([0042], lines 5-15, the registration of the device with the

receiver is performed so the configuration details do not have to be checked upon

receiver start up, [0042], lines 17-19, inherently using something to identify the

configuration details), said data storage code being transmitted to the data transmission

apparatus by the transmitter/receiver ([0042], lines 10-15)".

14.   With respect to Claim 37, Dureau discloses: "A data reception apparatus

according to claim 36 wherein the code uniquely identifies the data reception apparatus

([0043], lines 10-13, figure 4, objects 320A-H)".

15.   With respect to Claim 38, Dureau discloses: "A method of transmitting data

(Abstract, lines 1-3) comprising the steps of: providing a data transmission apparatus

(Figure 3, object 340 is capable of receiving and transmitting data); providing a first

function identification table ([0043], lines 10-13) including a first plurality of data

communication protocols ([0042], lines 5-15) and at least one identifier associated with

at least one of the plurality of data communication protocols ([0042], lines 5-15, the

registration of the device with the receiver is performed so the configuration details do

not have to be checked upon receiver start up, [0042], lines 17-19, inherently using

something to identify the configuration details); receiving a first identifier from a data

reception apparatus ([0042], lines 5-15, the registration of the device with the receiver is

performed so the configuration details do not have to be checked upon receiver start up,

[0042], lines 17-19, inherently using something to identify the configuration details); if

the first identifier is stored in the first function identification table, causing the data

transmission apparatus to transmit data using the data communication protocol

associated with the first identifier ([0042], lines 5-17)".

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   **Claims 2-3, 6-7, 9-10, 23, 25-27, 29-31, 34, 35, and 39 are rejected under 35**

U.S.C. 103(a) as being unpatentable over Dureau as applied to Claim 1, in view of

Ludtke et al. (Patent No: US 6,233,611 B1), hereinafter Ludtke.

18.   With respect to Claim 2, Dureau discloses: "The data transmission apparatus

according to claim 1, further comprising: a communication interface ([0038], lines 2-5,

specifically "modem 316") that performs communication with a data communication

administration server that administers ([0046], lines 8-11)" and "wherein, if it is

recognized that the specific data received by the data transmitter/receiver is not

registered in the first function identification table in the individual compatibility

information storage, the data transmission apparatus receives, through the

communication interface, contents of the second function identification table stored for

the data transmission apparatus itself in the data communication administration server,

and updates the first function identification table therewith ([0046], lines 8-14)" but does

not disclose: "for each data transmission apparatus, a second function identification

table in which are registered, for each data reception apparatus with which the data

transmission apparatus can communicate, the specific data of the data reception

apparatus and the data communication functions identified based on the specific data".

        However Ludtke discloses: "for each data transmission apparatus, a second

function identification table in which are registered, for each data reception apparatus

with which the data transmission apparatus can communicate, the specific data of the

data reception apparatus and the data communication functions identified based on the

specific data (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include using a specific format to store specific data of devices. The motivation for this

comes from choosing a method to store data in the server. Therefore by combining the

data delivery method of Dureau with the specific method to store data of Ludtke one can

access information on a server and be aware of how it is stored.

19.   With respect to Claim 3, Dureau discloses: "The data transmission apparatus

according to claim 2, wherein in the data communication administration server are

stored software programs that respectively realize the individual data communication

functions ([0046], lines 8-14, where the "subunits 520A may comprise software modules

or objects for performing transcoding functions" [0045], second Col., lines 3-5), and

wherein, if it is recognized that any of the software programs that realize the data

communication functions identified with reference to the first function identification table

based on the specific data received by the transmitter/receiver is not present in the data

transmission apparatus itself ([0046], lines 8-9), the data transmission apparatus

receives, through the communication interface, the software program from the data

communication administration server, and brings into effect the data communication

functions identified based on the specific data ([0046], lines 8-14)".

20.   With respect to Claim 6, Dureau discloses: "The data transmission apparatus

according to claim 5, further comprising: a communication interface ([0038], lines 2-5,

specifically "modem 316") that performs communication with a data communication

administration server ([0046], lines 8-11)" and "wherein, if it is recognized that any of the

codes contained in the function data received by the data transmitter/receiver is not

registered in the first function identification table in the individual compatibility

information storage, the data transmission apparatus receives, through the

communication interface, contents of the second function identification table stored in

the data communication administration server, and updates the first function

identification table therewith ([0046], lines 8-14)" but does not disclose: "that administers

a second function identification table in which are registered the data communication

functions assigned to all the codes contained in the function data".

However Ludtke discloses: "that administers a second function identification table

in which are registered the data communication functions assigned to all the codes

contained in the function data (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include using a specific format to store specific data of devices. The motivation for this

comes from choosing a method to store data in the server. Therefore by combining the

data delivery method of Dureau with the specific method to store data of Ludtke one can

access information on a server and be aware of how it is stored.

21.   With respect to Claim 7, Dureau discloses: "The data transmission apparatus

according to claim 6, wherein in the data communication administration server are

stored software programs that respectively realize the individual data communication

functions ([0046], lines 8-14, where the "subunits 520A may comprise software modules

or objects for performing transcoding functions" [0045], second Col., lines 3-5), and

wherein, if it is recognized that any of the software programs that realize the data

communication functions identified with reference to the first function identification table

based on the function data received by the transmitter/receiver is not present in the data

transmission apparatus itself ([0046], lines 8-9), the data transmission apparatus

receives, through the communication interface, the software program from the data

communication administration server, and brings into effect the data communication

functions identified based on the function data ([0046], lines 8-14)".

22.   With respect to Claim 9, Dureau discloses: "The data transmission apparatus

according to claim 5, wherein the transmitter/receiver receives, for each data reception

apparatus, specific data with which the data reception apparatus permits itself to be

identified and that differs from one data reception apparatus to another ([0042], lines 10-

15, by registering the secondary device is permitting itself to be identified, and it is

conceivable that two different secondary devices may register with different

configuration data), wherein in the individual compatibility information storage is further

stored a first apparatus table in which are registered the specific data of any data

reception apparatus with which the transmission apparatus can communicate ([0042],

lines 10-15, specific data includes configuration data), and wherein, when the specific

data is fed through the transmitter/receiver to the data analyzer, with reference to the

first apparatus table in the individual compatibility information storage, whether or not

the data transmission apparatus can communicate with the data reception apparatus

identified based on the specific data is checked ([0046], lines 2-11)".

23.   With respect to Claim 10, Dureau discloses: "The data transmission apparatus

according to claim 9, further comprising: a communication interface ([0038], lines 2-5,

specifically "modem 316") that performs communication with a data communication

administration server ([0046], lines 8-11)" and "wherein, if it is recognized that the

specific data received by the data transmitter/receiver is not registered in the first

apparatus table in the individual compatibility information storage, the data transmission

apparatus receives, through the communication interface, contents of the second

apparatus table stored for the data transmission apparatus itself in the data

communication administration server, and updates the first apparatus table therewith

([0046], lines 8-14)" but does not disclose: "that administers, for each data transmission

apparatus, a second apparatus table in which are registered, for each data reception

apparatus with which the data transmission apparatus can communicate, the specific

data".

However Ludtke discloses: "that administers, for each data transmission apparatus, a

second apparatus table in which are registered, for each data reception apparatus with

which the data transmission apparatus can communicate, the specific data (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery system of Dureau with the teachings of Ludtke to include using a specific format to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

24.   With respect to Claim 23, Dureau discloses: "A data reception apparatus ([0033], lines 9-12) comprising: a data analyzer that analyzes data received from a data transmission apparatus ([0033], lines 17-18); a data generator that generates data transmitted to the data transmission apparatus ([0033], lines 9-15, the devices 352A-E include a video camera 352B which generates data by recording audio/visual information); a transmitter/receiver that transmits and receives data to and from the data transmitting apparatus ([0034], lines 1-4)" and "wherein the specific data read out from the specific data storage is transmitted from the transmitter/receiver to the data transmission apparatus so that a data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is brought into a state communicable with the data reception apparatus ([0042], lines 10-17)" but does not disclose: "and a

specific data storage in which is stored specific data with which the data reception

apparatus permits itself to be identified".

However Ludtke discloses: "and a specific data storage (Col. 6, lines 52-55) in

which is stored specific data with which the data reception apparatus permits itself to be

identified (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include a specific data storage to store codes on the secondary devices. Motivation for

this comes from Dureau, "In one embodiment, secondary devices 320 may register with

receiver 12. This registration may include configuration information corresponding to a

secondary device" [0042], lines 10-12. By combining these references, the secondary

devices of Dureau have specific data storage, from Ludtke, on which to store the

configuration data so they may register with the receiver.

25.   With respect to Claim 25, Dureau discloses: "A data reception apparatus

comprising: a data analyzer that analyzes data received from a data transmission

apparatus ([0033], lines 17-18); a data generator that generates data transmitted to the

data transmission apparatus ([0033], lines 9-15, the devices 352A-E include a video

camera 352B which generates data by recording audio/visual information); a

transmitter/receiver that transmits and receives data to and from the data transmitting

apparatus ([0034], lines 1-4)" and "with which the data reception apparatus permits a

data communication function that needs to be used in communication therewith to be

identified ([0042], lines 10-11), wherein the function data read out from the specific data

storage is transmitted from the transmitter/receiver to the data transmission apparatus

so that the data communication function ([0042], lines 10-15 specifically state the

"secondary devices may register with receiver 12.", to register the device must

communicate the information to the receiver using transmitter/receiver)" but does not

disclose: "and a specific data storage in which is stored function data composed of

codes".

However Ludtke discloses: "and a specific data storage (Col. 6, lines 52-55) in

which is stored function data composed of codes (Col. 3, lines 10-15)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include a specific data storage to store codes on the secondary devices. Motivation for

this comes from Dureau, "In one embodiment, secondary devices 320 may register with

receiver 12. This registration may include configuration information corresponding to a

secondary device" [0042], lines 10-12. By combining these references, the secondary

devices of Dureau have specific data storage, from Ludtke, on which to store the

configuration data so they may register with the receiver.

26.   With respect to Claim 26, Dureau discloses: "The data reception apparatus

according to claim 25" and "is also stored specific data that permits the data

transmission apparatus itself to be identified and that differs from one data reception

apparatus to another ([0044], lines 9-10), and the specific data is transmitted along with

the function data from the transmitter/receiver ([0044], lines 11-13)" but does not

disclose: "wherein in the specific data storage".

However Ludtke discloses: "wherein in the specific data storage (Col. 6, lines 52-

55)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include a specific data storage to store codes on the secondary devices. Motivation for

this comes from Dureau, "In one embodiment, the target may be indicated by an ID

which identifies the secondary device" [0044], lines 9-10. By combining these

references, the secondary devices of Dureau have specific data storage, from Ludtke,

on which to store identification data.

27.   With respect to Claim 27, Dureau discloses: "The data reception apparatus

according to claim 26" and "is stored apparatus data composed of the specific data and

the function data ([0042], lines 10-15), and the apparatus data is transmitted from the

transmitter/receiver ([0042], lines 10-11, where registering with the receiver includes

passing the configuration data)" but doesn't disclose: "wherein in the specific data

storage".

However Ludtke discloses: "wherein in the specific data storage (Col. 6, lines 52-

55)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include a specific data storage to store apparatus data on the secondary devices.
Motivation for this comes from Dureau, "In one embodiment, secondary devices 320
may register with receiver 12. This registration may include configuration information
corresponding to a secondary device" [0042], lines 10-12. By combining these
references, the secondary devices of Dureau have specific data storage, from Ludtke,
on which to store the apparatus data so they may register with the receiver.

28.   With respect to Claim 29, Dureau discloses: "A data communication system
(Abstract, lines 1-3) comprising: the data reception apparatus according to claim 23
(see Claim 23 rejection above); and the data transmission apparatus that performs data
communication with the data reception apparatus ([0033], lines 9-13), wherein, when
the data transmission apparatus performs data communication with the data reception
apparatus, the data communication functions compatible with the data reception
apparatus are used ([0035], lines 10-13)".

29.   With respect to Claim 30, Dureau discloses: "A data communication system
(Abstract, lines 1-3) comprising: the data reception apparatus according to claim 25
(see Claim 25 rejection above); and the data transmission apparatus that performs data
communication with the data reception apparatus ([0033], lines 9-13), wherein, when
the data transmission apparatus performs data communication with the data reception
apparatus, the data communication functions compatible with the data reception
apparatus are used ([0035], lines 10-13)".

30.   With respect to Claim 31, Dureau discloses: "A data communication

administration server ([0046], lines 8-11) comprising: a communication interface that

exchanges data with the data transmission apparatus according to claim 2; and a

recording device for storing data transmitted from the communication interface to the

data transmission apparatus ([0046], lines 8-14, for the internet site or broadcast station

to offer subunits, which can be software modules ([0045], second Col., lines 3-5), it is

implicit that there exists some recording device to store the software units offered)".

31.   With respect to Claim 34, Dureau discloses: "The data transmission apparatus

according to claim 32" but does not disclose "wherein said at least two identifiers do not

uniquely identify a first and a second data reception apparatus."

       However, Ludtke discloses: "wherein said at least two identifiers (Col. 5, lines 59-

61, two identifiers being "module name and the local ID") do not uniquely identify a first

and a second data reception apparatus (Col. 5, lines 59-61, where the two different

identifiers from above, name and device ID, are common to the same device)".

       It would have been obvious to one of ordinary skill in the arty at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include an identification method where two identifiers are used to identify the same

device. Motivation to combine these references comes from providing a device ID and

a more human friendly name for each device. It has been long known in the art that

devices identified by numbers (such as internet protocol addresses) are addressable by

hostnames to make addressing the device more human friendly. Therefore by

combining the data delivery system of Dureau with the identification method of Ludtke,

one can address devices in a more human friendly way.

32.   With respect to Claim 35, Dureau discloses: "The data transmission apparatus

according to claim 32, further comprising: a communication interface ([0038], lines 2-5,

specifically "modem 316") for communicating with a data communication administration

server ([0046], lines 8-11)" and "and at least one identifier associated with at least one

of the second plurality of data communication protocols ([0042], lines 5-15, where it is

inherent that the communication protocol will be identified by some identifier, and since

there are multiple protocols available, to differentiate there will be at least as many

identifiers as protocols); wherein, if the first identifier received by the data analyzer is

not one of the at least two identifiers stored in the first function identification table, the

data transmission apparatus receives, through the communication interface, data from

the second function identification table to update the first function identification table

([0046], lines 11-14)" but does not disclose: "storing a second function identification

table".

        However Lai discloses: "storing a second function identification table (Col. 3,

lines 10-15, and Col. 5, lines 46-51) including a second plurality of data communication

protocols (Col. 3, lines 10-15, specifically "control protocols")"

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include using a specific structure to store specific data of devices. The motivation for

this comes from choosing a method to store data in the server. Therefore by combining

the data delivery method of Dureau with the specific method to store data of Ludtke one

can access information on a server and be aware of how it is stored.

33.   With respect to Claim 39, Dureau discloses: "The method of claim 38 including

the additional steps of: providing a data communication interface ([0038], lines 2-5,

"modem 316"); providing a data communication administration server ([0046], lines 8-

11)" and "and at least one identifier associated with at least one of the second plurality

of data communication protocols ([0042], lines 5-15, where it is inherent that the

communication protocol will be identified by some identifier, and since there are multiple

protocols available, to differentiate there will be at least as many identifiers as

protocols); and if the first identifier is not stored in the first function identification table,

communicating with the data communication administration server and updating the first

function identification table with data from the second function identification table

([0046], lines 11-14)" but does not disclose: "storing a second function identification

table including a second plurality of data communication protocols".

However, Ludtke discloses: "storing a second function identification table (Col. 3,

lines 10-15, and Col. 5, lines 46-51) including a second plurality of data communication

protocols (Col. 3, lines 10-15, specifically "control protocols")".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery system of Dureau with the teachings of Ludtke to

include using a specific structure to store specific data of devices. The motivation for this comes from choosing a method to store data in the server. Therefore by combining the data delivery method of Dureau with the specific method to store data of Ludtke one can access information on a server and be aware of how it is stored.

34.   Claims 12-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau as applied to Claim 1 and 23 in view of Lai et al. (Patent No: US 6,407,680 B1), hereinafter Lai.

35.   With respect to Claim 12, Dureau discloses: "The data transmission apparatus according to claim 1" but does not teach "wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of optimum operation conditions are selected".

However, Lai teaches "wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that consist of optimum operation conditions are selected ([Col. 9, lines 22-24)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher

quality data, or to adjust for a lower speed network to decrease lag between requesting

data and receiving data. Therefore by combining the data delivery methods of Dureau

with the selection of optimum configuration of Lai, one can reduce transmission lag, or

increase audio and visual quality where devices can support the increase.

36.   With respect to Claim 13, Dureau discloses: "The data transmission apparatus

according to claim 1" but does not disclose: "wherein, when function changing is

performed for a data reception apparatus provided with a plurality of combinations of

data communication functions, the data communication functions that consist of

operation conditions close to operation conditions selected by a user are selected".

    However Lai discloses: "wherein, when function changing is performed for a data

reception apparatus provided with a plurality of combinations of data communication

functions, the data communication functions that consist of operation conditions close to

operation conditions selected by a user are selected (Col. 9, lines 38-39)".

    It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery methods of Dureau with the teachings of Lai to

include users selecting the optimal configuration. Motivation to combine these

references comes from delivering the optimum configuration to devices that can support

higher quality data, or to adjust for a lower speed network to decrease lag between

requesting data and receiving data. Therefore by combining the data delivery methods

of Dureau with the user selection of optimum configuration of Lai, one can reduce

transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

37.   With respect to Claim 14, Dureau discloses: "The data transmission apparatus according to claim 1" but does not disclose: "further comprising: an input section operated by a user, wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are entered via the input section are selected".

However, Lai discloses: "further comprising: an input section operated by a user (Col. 9, 38-39, it is implicit that there is some input where the user can make the appropriate adjustments), wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are entered via the input section are selected (Col. 9, 38-39)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to include users selecting the optimal configuration. Motivation to combine these references comes from delivering the optimum configuration to devices that can support higher quality data, or to adjust for a lower speed network to decrease lag between requesting data and receiving data. Therefore by combining the data delivery methods of Dureau with the user selection of optimum configuration of Lai, one can reduce

transmission lag, or increase audio and visual quality where devices can support the increase based on preferences.

38.   With respect to Claim 15, Dureau discloses: "The data transmission apparatus according to claim 1" but does not disclose: "wherein in the individual compatibility information storage is stored a previous setting table in which are registered, for each data reception apparatus, the data communication functions that were set when communication was performed therewith last time, and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are registered in the previous setting table with respect to the data reception apparatus are selected".

However, Lai discloses: "wherein in the individual compatibility information storage is stored a previous setting table in which are registered, for each data reception apparatus (Col. 9, lines 30-31), the data communication functions that were set when communication was performed therewith last time (Col. 9, lines 26-31), and wherein, when function changing is performed for a data reception apparatus provided with a plurality of combinations of data communication functions, the data communication functions that are registered in the previous setting table with respect to the data reception apparatus are selected (Col. 9, lines 33-37)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods of Dureau with the teachings of Lai to

include storing the optimal configuration. Motivation to combine these references

comes from delivering the optimum configuration to devices that can support higher

quality data, or to adjust for a lower speed network to decrease lag between requesting

data and receiving data without having to set this configuration data each time

audio/visual data is requested. Therefore by combining the data delivery methods of

Dureau with the storing of optimum configuration of Lai, one can reduce transmission

lag, or increase audio and visual quality where devices can support the increase on

subsequent transmissions without having to select the configuration data multiple times.

39.   With respect to Claim 16, Dureau discloses: "The data transmission apparatus

according to claim 1" but does not disclose: "wherein, among a plurality of combinations

of data communication functions for a single data reception apparatus, one combination

is dealt with as basic data communication functions, and wherein, when function

changing is performed for a data reception apparatus provided with a plurality of

combinations of data communication functions, the basic data communication functions

are selected".

However Lai discloses: "wherein, among a plurality of combinations of data

communication functions for a single data reception apparatus, one combination is dealt

with as basic data communication functions, and wherein, when function changing is

performed for a data reception apparatus provided with a plurality of combinations of

data communication functions, the basic data communication functions are selected

([Col. 9, lines 22-26, where tests run determine higher data quality is available, but a

slower network connection that would slow down transfer, so a basic data quality may

be selected)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery methods of Dureau with the teachings of Lai to

include selecting a basic configuration. Motivation to combine these references comes

from delivering the basic configuration to devices that can support higher quality data

yet have a low speed network where transmission of higher quality data is impractical.

Therefore by combining the data delivery methods of Dureau with the selection of

optimum configuration of Lai, one with a slower network can watch media of lower

quality in a timelier manner than watching the high quality media.

40.   With respect to Claim 20, Dureau discloses: "The data transmission apparatus

according to claim 1" but does not disclose: "wherein the data communication functions

that are changed include a data format used by the data generator as corresponding to

an optimum packet data length in the data".

However, Lai discloses: "wherein the data communication functions that are

changed include a data format used by the data generator as corresponding to an

optimum packet data length in the data (Col. 20, lines 65-67)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery methods of Dureau with the teachings of Lai to

include selecting an optimum packet data length. Motivation to combine these

references comes from delivering data in a format that devices can support and being

able to select multiple protocols. Therefore by combining the data delivery methods of

Dureau with the selection of an optimum packet data length of Lai, devices which do not

accept certain size packets will be able to communicate using their accepted packet

sizes.

41.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Dureau as applied to Claim 1, in view of Kamiya et al. (Patent No: US 6,144,887),

hereinafter Kamiya.

42.   With respect to Claim 22, Dureau discloses: "The data transmission apparatus

according to claim 1, wherein, when the data communication functions are being

changed ([0028], lines 9-15)" but does not disclose: "shutting-down is prohibited".

However, Kamiya discloses: "shutting-down is prohibited (Col. 3, lines 39-43,

restarting involves power cycling, where power is turned off and then on)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery methods of Dureau with the teachings of Kamiya to

include preventative measures to stop restarts during updating. Motivation to combine

these references comes from Kamiya in Col. 2, lines 25-36, specifically "it becomes

impossible to carry out loading of the control program and so on with certainty".

Therefore by combining the references the data delivery methods of Dureau with the

restart blocking of Kamiya it becomes possible to load control programs with certainty.

43.   Claims 4, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau in view of Ludtke as applied to Claims 3, 7, and 10, and further in view of Kamiya.

44.   With respect to Claims 4, 8 and 11 the combination of Dureau and Ludtke do not disclose: "shutting down is prohibited when the data transmission apparatus is receiving the contents of the second function identification table or the software program from the data communication administration server, or when the data transmission apparatus is updating the first function identification table or the software program".

However, Kamiya discloses: shutting-down is prohibited (Col. 3, lines 39-43, restarting involves power cycling, where power is turned off and then on)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data delivery methods and the storing of data in a specific structure of Dureau and Ludtke with the teachings of Kamiya to include preventative measures to stop restarts during updating. Motivation to combine these references comes from Kamiya in Col. 2, lines 25-36, specifically "it becomes impossible to carry out loading of the control program and so on with certainty". Therefore by combining the references the data delivery methods and the storing of data in a specific structure of Dureau and Ludtke with the restart blocking of Kamiya it becomes possible to load control programs with certainty.

45.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Dureau in view of Ludtke as applied to Claim 23, and further in view of Lai.

46.   With respect to Claim 24, the combination of Dureau and Ludtke do not disclose:

"an input section operated by a user, wherein, when a plurality of data communication

function are provided, the data communication function that is entered via the input

section is transmitted from the transmitter/receiver to the data transmission apparatus

so as to notify the data transmission apparatus of the data communication function".

However Lai discloses: "further comprising: an input section operated by a user

(Col. 9, 38-39, it is implicit that there is some input where the user can make the

appropriate adjustments), wherein, when a plurality of data communication function are

provided, the data communication function that is entered via the input section is

transmitted from the transmitter/receiver to the data transmission apparatus so as to

notify the data transmission apparatus of the data communication function (Col. 9, lines

11-13)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the data delivery methods with specific data storage on the devices,

of Dureau in view of the Ludtke with the teachings of Lai to include users selecting the

optimal configuration. Motivation to combine these references comes from delivering

the optimum configuration to devices that can support higher quality data, or to adjust

for a lower speed network to decrease lag between requesting data and receiving data.

Therefore by combining the data delivery methods with specific data storage on the

devices, of Dureau in view of the Ludtke with the user selection of optimum

configuration of Lai, one can reduce transmission lag, or increase audio and visual

quality where devices can support the increase based on preferences.

Conclusion

47.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

a.   Hyziak et al. (Patent No: US 5,682,460) teaches a method for selecting

transmission preferences.

b.   Lea (Patent No: US 6,349,352 B1) teaches the ability to expand command

functionality of devices on a home audio/visual network.

c.   Ludtke et al. (Patent No: US 6,421,069 B1) teaches including self-

describing information within devices for use on a home network.

d.   Friedman (Pub. No: US 2004/0148362 A1) teaches a system for

managing and aggregating media formats.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW S. LINDSEY whose telephone number is

(571)270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Alternate

Fridays 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
12/05/2007

/Nabil El-Hady/
Supervisory Patent Examiner, Art Unit 4152